

**REMARKS**

The Office Action of July 7, 2005 has been reviewed and the comments therein were carefully considered. Claims 1-34 are currently pending. Claims 1, 2, 5, 7-10, 12-19, 22, 24-28 and 31-34 stand rejected. Claims 3, 4, 6, 11, 20, 21, 23, 29 and 30 stand objected to. Through this Response and Amendment, claims 1, 4, 6, 10, 18, 21-23, 27, and 30 have been amended and claims 2-3, 5, 11-12, 19-20, and 28-29 have been cancelled. The Applicant submits that all pending claims are in condition for allowance and respectfully requests such action.

**In the Drawings**

Figures 9 and 10 are objected to by the Office Action for failing to disclose details of the disclosed invention. More specifically, the Office Action has indicated the figures appear to be a copy of a color or gray-scale image. In response to the objection, corrected drawing sheets in compliance with 37 C.F.R. §1.121(d) are attached herein. Based on the submitted corrected drawings, Applicant respectfully requests that the objection be removed.

With respect to claims 1, 10, 18, and 27, the Office Action states that the figures do not show the first and second materials being able to, or positively connecting to one another. In response, Applicant has amended independent claims 1, 10, 18, and 27 to clarify the invention and advance prosecution of the application. In particular, Applicant has amended claims 1, 10, 18, and 27 to recite the claimed element of to join the first section of material to the second section of material. Based on the submitted claim amendments, Applicant respectfully requests that the objections to the drawings be removed.

With respect to claims 18-26, the Office Action states that the combination of the first portion, the second portion, and the slider joining the inner elements of the first portion with the inner elements of the second portion to form an interlocked strip must be shown in the figures. In response, Applicant has added new Figure 10A which shows this claimed feature. Applicant respectfully submits that no new matter has been introduced into the application. Based on submitted new Figure 10A, Applicant respectfully requests that the objection be removed.

With respect to claim 32, the Office Action states the claimed feature of an item of apparel selected from the group shirts, pants, skirts, shoes, and bags must be shown in the figures. In response, Applicant has added new Figure 1A which shows this claimed feature.

Applicant respectfully submits that no new matter has been introduced into the application. Based on the submitted new Figure 1A, Applicant respectfully requests that the objection to the drawings be removed.

### **Allowable Subject Matter**

Claims 3, 4, 6, 11, 20, 21, 23, and 29-30 are objected to as being dependent upon a rejected base claim, but have been indicated by the Office Action to be allowable if rewritten to overcome the claim objections and in independent form including all of the limitations of the base claim and any intervening claims. Through this amendment, claims 1, 4, 6, 10, 18, 21-23, 27, and 30 have been amended to overcome the claim objections and incorporate the subject matter of original claims 3, 4, 6, 11, 20, 21, 23, and 29-30. In view of the amendments, the Applicant respectfully requests withdrawal of the rejections and allowance of the amended claims.

### **Cancelled Claims**

Claims 2-3, 5, 11-12, 19-20, and 28-29 have been cancelled to expedite the prosecution of the present application; however, Applicant reserves the right to further prosecute the subject matter of the cancelled claims in continuation application.

### **Claim Rejections Under 35 USC §102**

Claims 1, 9, 10, 15-17, 27, 31, 33 and 34, are rejected under §35 USC 102(b) as being allegedly anticipated by Osterman, U.S. Patent No. 5,396,687 (“the ‘687 patent”) and claims 1, 2, 5, 9, 10, 12, 15-18, 19, 22, 26-28, 31, 33 and 34, are rejected as allegedly being anticipated by Legat, U.S. Patent No. 2,415,643 (“the ‘643 patent”).

The Office Action asserts the ‘687 and ‘643 patents teach a flexible and extensible closure apparatus. Specifically, in regards to claim 31, the Office Action asserts the ‘687 and ‘643 patents disclose a closure apparatus wherein the first and second section of material comprises a stretchable fabric type material. While not acquiescing in the Office Action’s interpretation, claim 31 depends from a base claim that has been amended to indicate the hollow inner and outer elements of the first and second portions comprise hollow diamond shaped

elements. Since the ‘687 and ‘643 patents do not disclose each limitation of the claim, Applicant respectfully requests reconsideration and withdrawal of the rejection in regards to these claims.

Claims 33-34 relate to different embodiments for the item of apparel. Similarly, they depend from a base claim that has been amended to indicate the hollow inner and outer elements of the first and second portions comprise hollow diamond shaped elements. Therefore, since ‘687 and ‘643 patents do not disclose each limitation of the claims, Applicant respectfully requests reconsideration and withdrawal of the rejection in regards to these claims.

Lastly, claims 9, 15, and 33-34 relate to the arrangement of the various elements of the closure apparatus. As indicated above, the base claims (claims 1, 10, and 27, respectively) have been amended to indicate the hollow inner and outer elements of the first and second portions comprise hollow diamond shaped elements. Therefore, since the ‘687 and ‘643 patents do not disclose each limitation of the claims, Applicant respectfully requests reconsideration and withdrawal of the rejection in regards to these claims.

For at least these reasons, the Applicant respectfully requests that the rejection be withdrawn with respect to claims 9, 15, 31, and 33-34.

### **Claim Rejections Under 35 USC §103**

Claims 7, 8 13, 14, 31 and 32 are rejected under 35 USC §103(a) as allegedly being unpatentable over Osterman, U.S. Patent No. 5,396,687 (“the ‘687 patent) in view of Gershenson, U.S. patent No. 5,097,570 (“the ‘570 patent), and claims 7, 8 13, 14, 24-25, 31 and 32 are rejected under 35 USC 103(a) as being unpatentable by Legat, U.S. Patent No. 2,415,643 (“the ‘643 patent) in view of Gershenson, U.S. Patent No. 5,097,570.

As discussed above in relation to the 35 U.S.C. §102 rejections, the base claims of the rejected claims 7-8, 13-14, 24-25, and 31-32 have been amended to include subject matter indicated by the Examiner to place the claims in condition for allowance. In view of the claim amendments, Applicant believes the subject matter of the base claims or rejected claims 7-8, 13-14, 24-25, and 31-32 to be taught or suggested by the art of record. For at least these reasons, Applicant respectfully requests withdrawal of the rejection in regards to claims 7-8, 13-14, 24-25, and 31-32.

Applicant respectfully submits that the instant application is in condition for allowance. Should the Examiner believe that a conversation with Applicant's representative would be useful in the prosecution of this case, the Examiner is invited and encouraged to call Applicant's representative.

Respectfully submitted,

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**In the Drawings:**

A replacement sheet which includes Figs. 9 and 10 are included with this response. The replacement sheet is in response to the Office Actions statement that the figures appear to be a copy of a color or grayscale image the details of which can not be recognized. This sheet replaces the original sheet including Figs. 9 and 10

New Figures 1A and 10A have been included in response to Office Actions objections to claims 1, 10, and 18-27. No new matter has been introduced into the application

Attachment: Replacement Sheets